

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

BARBARA PEARSON, No. CIV S-04-0151-CMK
Plaintiff,

vs. ORDER

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Plaintiff, who is proceeding with retained counsel, sought judicial review of a final decision of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g). On September 11, 2006, the court entered final judgment remanding the case to the Social Security Administration. Pending before the court is plaintiff's counsel's motion for fees under 42 U.S.C. § 406(b), protectively filed on September 22, 2006, and which the court finds to be timely.

111

111

111

111

1 Within thirty days after receipt by counsel of the notice of final award from the
2 Social Security Administration, counsel shall either withdraw her motion or file a declaration as
3 to the following:

- 4 1. Counsel's statement whether or not an application for EAJA fees
5 has been filed;
- 6 2. The date counsel was retained by plaintiff;
- 7 3. The amount withheld by the Administration from plaintiff's award
8 for the payment of fees;
- 9 4. The amount of fees authorized by the administration (unless the
10 award was made by the court);
- 11 5. A contemporaneous log of hours claimed;
- 12 6. Justification for the hourly rate requested; and
- 13 7. A copy of the notice of final award and counsel's statement as to
14 the date received by counsel.

15 Counsel shall attach a copy of the retainer agreement, any notice received from the
16 administration of the amount withheld for fees, and proof of service on the defendant and the
17 client.

18 In the meantime, this action remains closed.

19
20 IT IS SO ORDERED.

21
22 DATED: November 9, 2006.

23
24 
25 CRAIG M. KELLISON
26 UNITED STATES MAGISTRATE JUDGE